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DEPARTMENT OF COMMERCE AND LABOR

U.S. BUREAU OF LABOR

COMPENSATION TO INJURED GOVERNMENT EMPLOYEES

REGULATIONS ISSUED BY THE SECRETARY OF COMMERCE AND LABOR GOVERNING THE OPERATION OF THE GOVERNMENT COMPENSATION ACT FOR EMPLOYEES INJURED IN THE SERVICE OF THE UNITED STATES

ACTS OF MAY 30, 1908; MARCH 4, 1911; MARCH 11, 1912

WASHINGTON
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REGULATIONS

CONCERNING THE DUTIES OF EMPLOYEES, OFFICIAL SUPERIORS, AND MEDICAL OFFICERS.

DUTIES OF EMPLOYEES.

1. Reports of Injuries.—Whenever any injury is sustained by an employee in the course of his employment, he shall immediately report the same to his official superior, if he is able to do so, giving also a statement of the facts and the names of witnesses, if any.

2. First-aid Treatment.—No matter how slight the injury sustained, the injured employee shall immediately apply to the dispensary or medical officer, if there be one, for examination and for first-aid treatment, and it shall be the duty of his official superior to direct him to do so.

3. Reports of Disability.—In case the disability arises some time after the injury has been received, it shall be the duty of the injured employee to notify his official superior within 48 hours from the beginning of such disability.

4. Treatment.—It shall be the duty of each injured employee intending to take advantage of the provisions of the act to obtain necessary medical and surgical treatment and to comply with all reasonable orders for treatment and conduct which the attending physician may give. He shall also submit to such medical examinations as his official superior may from time to time direct.

5. Notices of Continuing Disability.—Every employee injured in the course of employment who is unable to return to work because of such injury, shall, within 24 hours, inform his official superior of such fact, either in person or by mail, telephone, or messenger. Such notice shall be given by the injured employee or for him every week, unless, in the opinion of the official superior, the permanent nature of the injury makes this notice unnecessary. Such notice should state when the injured employee was last seen by his attending physician.,

6. Examinations.—For the purpose of the medical examinations prescribed by the act, the injured employee shall appear at the dispensary of the establishment whenever directed to do so; but if he claims to be unable to present himself for such examination the medical officer or other officially designated physician may call at the residence of the injured employee in order to make an examination. The injured employee shall be entitled to have his attending physician present during such examination.

7. Disagreements.—If the injured employee refuses to accept the opinion of the official examining physician as to his ability to resume work, either because of a different opinion held by his private physician or for any other reason, the employee shall immediately so report to his official superior, who will in turn report the same to the Secretary of Commerce and Labor.

8. Examinations by Order of the Department of Commerce and Labor.—On receipt of reports concerning disagreement between the claimant or his physician and the official examining physician, the Secretary of Commerce and Labor will immediately order an examination of the claimant by a physician designated by him, so as to ascertain the claimant's physical condition; and if the employee refuses to submit to or obstructs such examination the right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

9. Claims.—The claim, properly filled out, must be presented by the injured employee to his official superior, who shall forward the same, with the statements of witnesses, if there were witnesses, through the regular official channels for transmission to the Secretary of Commerce and Labor.

10. Certificates.—In cases of continuing disability the injured employee shall furnish such medical certificates from time to time as the official superior may require.

11. Disregard of Instructions.—Where an injured employee shall fail to make any of the reports prescribed in these regulations, or refuses to submit himself to examination by the medical officer or other officially designated physician, when ordered by his official superior to do so, such refusal or failure will be considered by the Secretary of Commerce and Labor as presumptive evidence against his right to compensation under the law.

DUTIES OF OFFICIAL SUPERIORS.

12. Record of Accident.—Whenever an accident causing injury to an employee comes to the knowledge of the person in charge of such employee he should immediately secure a record of the cause and nature of the accident and the nature and extent of the injury, however slight. The names and testimony of witnesses should also be secured, and the employee directed to apply to the dispensary or medical officer, if there be one, for examination and first-aid treatment.

13. Reports of Injuries.—All injuries which prevent the employee from performing work for one day or longer should be reported to the Secretary of Commerce and Labor by the official superior of such employee, on the form provided for that purpose, within 48 hours after such injuries have been brought to the notice

of such official superior. The reports called for in paragraphs numbered 1, 3, 13, 14, and 16 should be made for all employees regardless of the application of the provisions governing compensation.

14. Report of Termination of Disability.—Whenever a person who has been reported disabled by an accident is able to return to work his official superior should immediately report the termination of such disability to the Secretary of Commerce and Labor on the proper form.

15. Disagreements.—The official superior should make immediate report directly to the Secretary of Commerce and Labor of all cases of disagreement between the injured employee and the official examining physician as to the ability of the employee to resume work.

16. Report of Death.—Whenever an injury received in the course of employment results in death, either immediately or within one year thereafter, such death should be reported on the proper form as soon as possible after the knowledge of such death reaches the official superior of the deceased employee.

17. Blanks to be Furnished.—Whenever the official superior of an injured employee has reason to believe from the statement of the medical officer or other officially designated physician, or from any other evidence, that disability has lasted more than 15 days, he should furnish such employee with a blank form for claim and call his attention to the provisions of the compensation act. Blank forms should be furnished upon request to any employee wishing to make a claim.

18. Indorsement of Claims.—The official superior or other person designated should either fill out and sign the certificate of approval provided for that purpose, or indicate the reasons for his refusal to give his approval. In either case, statements of witnesses, if any, and copies of the records of the examination of the claimant by the medical officer or officially designated physician, if such examinations have been made, should be attached to the claim, and the entire record submitted to the Secretary of Commerce and Labor, to whom the determination of the validity of all claims is committed by the act.

19. Claims to be Forwarded.—All claims for compensation when filled out and presented by injured employees to their official superiors should be forwarded by them through the regular official channels for transmission to the Secretary of Commerce and Labor. No letter of transmittal is necessary. All information desired should be made part of the indorsement on such claims.

20. Approval or Disapproval.—Notice of the approval or disapproval of claims will be forwarded from the office of the Secretary of Commerce and Labor to the heads of the respective departments,

or independent office, for transmittal to the official superior of the employee.

21. Payments.—Payments under this law should be made at the regular intervals at which salaries are paid to all employees, except payments accrued before the receipt of the approved claim, which should be made as soon after the receipt of the approval as possible so as to avoid unnecessary hardship to the employee. If subsistence is furnished during employment but not during the period of disability, the value of the subsistence should be allowed to the injured workman during disability in addition to the wages usually paid in cash.

When compensation is approved for a fixed period, payments may be made on the authority of such approval without further evidence.

When compensation is approved for an indefinite period, each payment shall be based upon the certificate signed by the claimant and approved by the claimant's official superior to the effect that during the time covered by the said payment the claimant was unable to resume work and that inability to so resume work was the result of the injury for which compensation was granted.

In no case shall annual leave be charged against any portion of the period for which compensation is due.

22. Certificates.—If the claimant's superior officer is unable to satisfy himself that the claimant was unable to resume work for any period for which compensation is claimed, he may require that the claimant submit to him a certificate from a duly authorized medical practitioner showing the continuance of the inability to resume work.

23. Special Examinations.—If this medical certificate is satisfactory to the official superior, he should then approve payment; but if the certificate does not satisfy him he may require the medical officer or officially designated physician, where such is available, to examine the claimant for the purpose of ascertaining whether the disability still exists.

24. Payments Withheld.—In all cases where the continuance of disability has not been proved to the satisfaction of the superior officer, or where the results of the examination of the claimant by the medical officer or officially designated physician are contradictory to the statements of the attending physician, payments should be withheld and a report of these facts should be immediately forwarded directly to the Secretary of Commerce and Labor. A detailed report of the examination of the claimant by the medical officer or officially designated physician, if any has been made, should accompany this report, together with the statement of the employee and a certificate of his attending physician.

25. Examination by Physician of Department of Commerce and Labor.—On receipt of reports concerning disagreement between the claimant or his physician and the official superior, the Secretary of Commerce and Labor will immediately order an examination of the claimant by a physician designated by him, so as to ascertain the claimant's ability to return to work.

26. Decision.—The decision of the department will then be communicated to the official superior. If the claim of the injured person be sustained, the amount due him should be paid as soon as possible after the receipt of the decision.

27. Discontinuance of Payments.—When payments are discontinued because of recovery or other reason, such fact should be reported to the Department of Commerce and Labor on the blanks furnished for that purpose.

28. Examination at End of Six Months.—Whenever compensation has been paid for any case of disability for five months and there is a possibility of the disability lasting so as to extend over six months, the official superior of the injured employee should report the fact to the Secretary of Commerce and Labor, so as to enable him to order as soon as possible a medical examination.

29. Death.—Whenever a person in the employ of the Government shall die as the result of injury received in the course of his employment, and his wife, his children under 16 years of age, or his parents desire to claim payment under this act, they should be furnished with blank forms of claim for compensation. If the official superior has reason to believe that the person so injured is covered by the provisions of the law he should inform the dependent relatives, if the names and addresses of such relatives can be ascertained by him, of the necessary procedure under the law and the provision as to the 90-day limit.

If the persons who may be entitled to compensation on account of the death of an employee are located in a foreign country, they may file their affidavits of claim, respectively, with the consular officer of the United States located most conveniently, and any affidavit so filed within 90 days after the death will be considered as having been duly filed with the Secretary of Commerce and Labor, as required by section 4 of the compensation act.

30. Death Benefits.—Claims for compensation on account of death should be forwarded to the Secretary of Commerce and Labor. If the claim be established and compensation is due to more than one person the Secretary of Commerce and Labor will designate the portion to be paid to each claimant.

31. Employees to Have Laws and Regulations.—Copies of the law and the regulations should be on hand in each establishment and,

upon request, furnished free to all employees for their information and guidance.

A summary prepared by the Secretary of Commerce and Labor, presenting the principal provisions of the compensation act and the regulations governing its application, should be posted in establishments affected by the act, in such numbers and places as to be easily accessible to all the workmen.

DUTIES OF MEDICAL OFFICERS.

32. First-Aid Treatment.—The medical officer of each establishment or his assistant, where such services are available, should render such immediate aid as is necessary to each employee of the establishment injured while on duty, and make a report to the head of the establishment of the exact extent of the injury and the nature of the treatment administered, and a detailed record of the same should be kept on file in his office.

33. Subsequent Examinations.—The medical officer or officially designated physician should examine the injured employee as frequently as is necessary in his opinion or in the opinion of the head of the establishment during the absence of such employee from his work.

34. Records.—A record of each examination by the medical officer or officially designated physician should be made in detail and contain an accurate description of the general condition of the employee, the state of the injuries, and an opinion as to whether the disability still continues. Such record should be kept on file in the office of the medical officer or officially designated physician, and reports of the findings should be made to the head of the establishment.

35. Treatment.—The medical officer or officially designated physician should ascertain whether the injured employee is under treatment of a duly licensed practitioner of medicine, and if he finds this not to be the case he should inform the injured employee of the necessity of medical attendance whenever such necessity exists.

36. Opinion as to Termination of Disability.—The medical officer or officially designated physician making any examination should inform the injured employee of his opinion concerning the continuance or termination of disability.

TEXT OF THE ACTS

PROVIDING COMPENSATION FOR ARTISANS AND LABORERS INJURED IN THE SERVICE OF THE UNITED STATES.

ACT OF MAY 30, 1908.

[35 Stat., 556.]

That when, on or after August first, nineteen hundred and eight, any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy yards, or in the construction of river and harbor or fortification work or in hazardous employment on construction work in the reclamation of arid lands or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment, such employee shall be entitled to receive for one year thereafter, unless such employee, in the opinion of the Secretary of Commerce and Labor, be sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Commerce and Labor may prescribe: *Provided*, That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured, nor unless said injury shall continue for more than fifteen days. All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor.

SEC. 2. That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under sixteen years of age, or a dependent parent, such widow and child or children and dependent parent shall be entitled to receive, in such portions and under such regulations as the Secretary of Commerce and Labor may prescribe, the same amount, for the remainder of the said year, that said artisan or laborer would be entitled to receive as pay if such employee were alive and continued to be employed: *Provided*, That if the widow shall die at any time during the said year her portion of said amount shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any.

SEC. 3. That whenever an accident occurs to any employee embraced within the terms of the first section of this act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident and the injury resulting therefrom to the head of his bureau or independent office, and his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor. Such report shall state, first, the time, cause, and nature of the accident and injury and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured;

fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe. The head of each department or independent office shall have power, however, to charge a special official with the duty of making such reports.

SEC. 4. That in the case of any accident which shall result in death, the persons entitled to compensation under this act or their legal representatives shall, within ninety days after such death, file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate shall be satisfactorily accounted for. In the case of incapacity for work lasting more than fifteen days, the injured party desiring to take the benefit of this act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of the attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate shall be satisfactorily accounted for. If the Secretary of Commerce and Labor shall find from the report and affidavit or other evidence produced by the claimant or his or her legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this act, the compensation to be paid shall be determined as provided under this act and approved for payment by the Secretary of Commerce and Labor.

SEC. 5. That the employee shall, whenever and as often as required by the Secretary of Commerce and Labor, at least once in six months, submit to medical examination, to be provided and paid for under the direction of the Secretary, and if such employee refuses to submit to or obstructs such examination his or her right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

SEC. 6. That payments under this act are only to be made to the beneficiaries or their legal representatives other than assignees, and shall not be subject to the claims of creditors.

SEC. 7. That the United States shall not exempt itself from liability under this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void.

SEC. 8. That all acts or parts of acts in conflict herewith or providing a different scale of compensation or otherwise regulating its payment are hereby repealed.

ACT OF MARCH 4, 1911.

[36 Stat., 1452.]

SECTION 5. Hereafter the act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment shall apply to all employees under the Isthmian Canal Commission, when injured in the

course of their employment; and claims for compensation on account of injury or death resulting from an accident occurring hereafter shall be settled by the chairman of the Isthmian Canal Commission, who shall, as to such claims and under such regulations as he may prescribe, perform all the duties now devolving upon the Secretary of Commerce and Labor: *Provided*, That when an injury results in death claim for compensation on account thereof shall be filed within one year after such death.

ACT OF MARCH 11, 1912.

[37 Stat., ——.]

That the provisions of the act approved May thirtieth, nineteen hundred and eight, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall, in addition to the classes of persons therein designated, be held to apply to any artisan, laborer, or other employee engaged in any hazardous work under the Bureau of Mines or the Forestry Service of the United States: *Provided*, That this act shall not be held to embrace any case arising prior to its passage.

FORMS

FOR USE IN ADMINISTERING THE COMPENSATION ACT.

The following blank forms are required for the purposes of administering the act:

C. A.—1b. Immediate Report of Injury.

C. A.—2b. Report of Termination of Disability.

C. A.—3a. Report of Death from Injury.

C. A.—4b. Claim for Compensation on Account of Injury.

C. A.—7a. Certificate of Disability.

C. A.—8. Request for Medical Examination.

C. A.—15a. Report of Discontinuance of Compensation Payments.

C. A.—16b. Claim for Compensation on Account of Death.

C. A.—19a. Regulations Governing the Application of the Act of May 30, 1908.

C. A.—20a. Notice of Right to Compensation (for posting).

A supply of these forms will be furnished each department and independent establishment by the Secretary of Commerce and Labor, upon request. Official superiors should procure necessary forms from the head of their department, bureau, or establishment.

Approved.

CHARLES NAGEL,
Secretary of Commerce and Labor.

April 15, 1912.

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